

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 00-6273-CR-HUCK

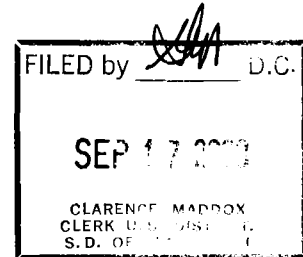
UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY TRENTACOSTA, et al.,

Defendants.



STIPULATION REGARDING RECONSTRUCTION OF THE RECORD
ON LIMITED REMAND

PLEASE TAKE NOTICE that the parties, Anthony Trentacosta and Ariel Hernandez, by and through their counsel, and the United States of America, by and through its counsel, hereby stipulate as follows:

1. A limited remand was ordered by the Eleventh Circuit Court of Appeals pursuant to an Order entered on July 17, 2003.
2. Pursuant to the limited remand, the Court was asked "... to determine, if possible, what tapes were played to the jury and when during the trial they were played."
3. The Court conducted hearings concerning the issues raised by the limited remand.
4. The parties stipulate and agree that the following tapes and tape recorded transcript excerpts (hereinafter designated as "GX"¹, followed by the appropriate page number") were played and read during the direct and re-direct examination of the below-listed witnesses²,

¹The letter following the government exhibit number, *i.e.*, GX 516A refers to the transcript of the tape recording which is GX 516. The only exceptions are GXs 585 and 593 where the tapes are 585B and 593B while the transcripts are 585B and 593C.

²Some of the tapes were played but interrupted with questions lodged to witnesses - thus although introduced in "entirety", the publication was interrupted with trial testimony.

647
rx

along with the corresponding record citation:

I. WITNESSES

A. Steven Horowitz

1. GX 516A, entirety R22 11/27/01: pgs. 106-114
2. GX 544A, entirety R22 11/27/01: pgs. 114-123
3. GX 566A, entirety R22 11/27/01: pgs. 124-130
4. GX 572A, entirety R22 11/27/01: pgs. 130-133
5. GX 614A, entirety R22 11/27/01: pgs. 133-143
6. GX 571A, entirety R22 11/27/01: pgs. 128-30

B. Adam Silverman

- (1) GX 501A, entirety R26 12/06/01: pg. 55
- (2) GX 625A, entirety R26 12/06/01: pgs. 59 - 60
- (3) GX 517A, entirety R26 12/06/01: pgs. 63 - 64
- (4) GX 529A, entirety R26 12/06/01: pgs. 75 - 77
- (5) GX 530A, entirety R26 12/06/01: pgs. 77 - 81
- (6) GX 548A, pgs. 2 - 4³ R26 12/06/01: pgs. 93 - 95
- (7) GX 568A, entirety R26 12/06/01: pgs. 95 - 96
- (8) GX 569A, entirety R26 12/06/01: pgs. 97 - 98
- (9) GX 570A, entirety R26 12/06/01: pg. 99
- (10) GX 581A, entirety R26 12/06/01: pgs. 100-01
- (11) GX 585C, entirety R26 12/06/01: pgs. 103 - 104

³The parties stipulate the taped recorded evidence heard by the jury was not transcribed by the court reporter during trial.

- (12) GX 589A, entirety R26 12/06/01: pgs. 104 - 106
- (13) GX 590A, entirety R26 12/06/01: pg. 106
- (14) GX 591A, entirety R26 12/06/01: pgs. 107 - 108
- (15) GX 593C, entirety R26 12/06/01: pgs. 126 - 128
- (16) GX 600A, entirety R26 12/06/01: pgs. 129 - 131
- (17) GX 601A, entirety R26 12/06/01: pgs. 131 - 132
- (18) GX 602A, entirety R26 12/06/01: pg. 133
- (19) GX 627A, entirety R26 12/06/01: pgs. 60-61

C. Francisco Valdes

- (1) GX 594A, entirety R26 12/06/01: pgs. 175 - 177
- (2) GX 595A, entirety R26 12/06/01: pg. 177
- (3) GX 547A, entirety R26 12/06/01: pgs. 183 - 184
- (4) GX 548A, p. 2 R27 12/07/01: pgs. 22 - 23
- (5) GX 552A, entirety R27 12/07/01: pg. 24

(D) Tammy Bubel

- (1) GX 558A, entirety R25 11/30/01: pg. 168-72
- (2) GX 548A, p. 2 R25 11/30/01: pg. 174-75
- (3) GX 518A, entirety R26 12/06/01: pg. 6
- (4) GX 521A, entirety R26 12/06/01: pg. 7
- (5) GX 561A, entirety R26 12/06/01: pg. 9 - 10
- (6) GX 563A, entirety R26 12/06/01: pg. 11 - 12
- (7) GX 565A, entirety R26 12/06/01: pg. 13 - 14
- (8) GX 621A, entirety R26 12/06/01: pg. 15 - 17

(E) Julius Bruce Chiusano

(1) GX 562A, entirety R22 11/27/01: pg. 226

(F) David Alwais

(1) GX 633A, entirety R21 11/26/01: pg. 30

(2) GX 143A, entirety R21 11/26/01: pg. 32 - 33

(3) GX 144A, entirety R21 11/26/01:pg. 33 - 34

(4) GX 145A, entirety R21 11/26/01:pg. 36 - 41

(5) GX 146A, entirety R21 11/26/01: pg. 44

(6) GX 532A, entirety R21 11/26/01: pg. 46

G. Francis Ruggiero

(1) GX 586A, entirety R20 11/21/01: pg. 105

(2) GX 587A, entirety R20 11/21/01: pg. 107

(3) GX 588A, entirety R20 11/21/01: pg. 108

(4) GX 604A, entirety R20 11/21/01: pg. 109

(5) GX 607A, entirety R20 11/21/01: pg. 110

(6) GX 617A, entirety R20 11/21/01: pg. 110

(7) GX 620A, entirety R20 11/21/01: pg. 111

(8) GX 622A, entirety R20 11/21/01: pg. 112

(9) GX 628A, entirety R20 11/21/01: pg. 113

(H) Detective Frank Ilarraza

(1) GX 10A- transcript read R24 11/29/01: pgs. 52-75

(2) GX 14A, entirety R24 11/29/01: pg. 96

II. Rebuttal Closing

During the government's rebuttal closing argument on December 13, 2001, the government played tape recorded excerpts from government exhibits in evidence⁴ to rebut arguments raised by defense counsel during their respective closing arguments. The following is a list of the excerpts and record entries.

A. Rebuttal Closing

- (1) GX 544A, entirety R30 12/13/01: pg. 155
- (2) GX 588A, entirety R30 12/13/01: pg. 157
- (3) GX 614A, pg. 10-11 R30 12/13/01: pg. 157
- (4) GX 514A, entirety R30 12/13/01: pg. 164
- (5) GX 517A, pg. 3 R30 12/13/01: pg. 165
- (6) GX 518A, pg. 2 R30 12/13/01: pg. 167
- (7) GX 521A, pg. 2 R30 12/13/01: pg. 167
- (8) GX 526A, entirety R30 12/13/01: pg. 168
- (9) GX 527A, entirety R30 12/13/01: pg. 168
- (10) GX 529A, pgs. 2-3 R30 12/13/01: pg. 171
- (11) GX 530A, pgs. 2-3 R30 12/13/01: pg. 171
- (12) GX 532A, pg. 8 R30 12/13/01: pg. 171
- (13) GX 533A, entirety R30 12/13/01: pg. 172
- (14) GX 547A, entirety R30 12/13/01: pg. 173
- (15) GX 548A, pgs. 2-7 R30 12/13/01: pg. 173 - 4

⁴ The excerpts were recorded on two separate tapes (hereinafter "summary tapes"). Assistant United States Attorney Jeffrey H. Sloman proffered that he reviewed the record, the summary tapes, and his notes and proffered at the evidentiary hearing that these were the portions played to the jury during the rebuttal closing argument.

- (16) GX 552A, entirety R30 12/13/01: pg. 175
- (17) GX 557A, entirety R30 12/13/01: pg. 175
- (18) GX 558A, entirety R30 12/13/01: pg. 176
- (19) GX 559A, pgs. 3 & 5 R30 12/13/01: pg. 176
- (20) GX 560A, pg. 4 R30 12/13/01: pg. 177
- (21) GX 567A, pg. 2 R30 12/13/01: pg. 178
- (22) GX 585A, pgs. 2-3 R30 12/13/01: pg. 179
- (23) GX 593A, pgs. 5 & 6 R30 12/13/01: pg. 179
- (24) GX 523A, pgs. 3 & 4 R30 12/13/01: pg. 179

III. **Tapes Played Without A Witness On The Stand**

The following indicates, with the corresponding record citation, referenced where each tape was played to the jury without a witness, except as specifically noted:

<u>TAPE</u>	<u>PLAYED/PUBLISHED</u>
GX 12A Redacted 3/28/99 Taped Statement of A. Hernandez	(R28:162-63)
GX501 CN: 58 PN: 7512 Date: 3/19/99 Time: 12:33pm	(R19:141)- played without a witness (R26:55)- played during Silverman
GX502 - CN: 68 PN: 7512 Date: 3/19/99 Time: 2:39pm T-III tape recorded conversation	(R24:23)
GX503 - CN: 69 PN: 7512 Date: 3/19/99 Time: 2:42pm T-III tape recorded conversation	Playing waived (R24:23-24)
GX504 - CN: 70 PN: 7512 Date: 3/19/99 Time: 2:49pm T-III tape recorded conversation	(R24:24)
GX505- CN: 71 PN: 7512 Date: 3/19/99 Time: 2:49pm T-III tape recorded conversation	(R24:24)
GX506- CN: 78 PN: 7512 Date: 3/19/99 Time: 3:07pm T-III tape recorded conversation	(R24:24)

GX507- (R24:25)

CN: 79 PN: 7512 Date: 3/19/99
Time: 3:12pm
T-III tape recorded conversation

GX508- (R24:185-86)

CN: 80 PN: 7512 Date: 3/19/99
Time: 3:13pm
T-III tape recorded conversation

GX509- (R24:186)

CN: 88 PN: 7512 Date: 3/19/99
Time: 4:28pm
T-III tape recorded conversation

GX510- (R24:187)

CN: 262 PN: 2929 Date: 3/20/99
Time: 12:31am
T-III tape recorded conversation

GX511- (R24:187)

CN: 264 PN: 2929 Date: 3/20/99
Time: 12/32am
T-III tape recorded conversation

GX512- (R21:75)

CN: 23 PN: 3020 Date: 3/20/99 (R24:187-88)
Time: 11:00am
T-III tape recorded conversation

GX513 (R24:188)

CN: 24 PN: 3020 Date: 3/20/99
Time: 11:51am
T-III tape recorded conversation

GX514- (R24:188-89)

CN: 102 PN: 7512 Date: 3/20/99
Time: 3:43pm
T-III tape recorded conversation

GX515- (R24:189)

CN: 293 PN: 2929 Date: 3/20/99
Time: 5:13pm
T-III tape recorded conversation

GX516-

(R21:75)

CN: 109 PN: 7512 Date: 3/20/99
Time: 6:25pm
T-III tape recorded conversation

GX517-

(R24:189)- played without a witness
(R26:63-64)- played during Silverman

CN: 111 PN: 7512 Date: 3/20/99
Time: 6:34pm
T-III tape recorded conversation

GX518-

(R24:189)

CN: 316 PN: 2929 Date: 3/20/99
Time: 7:01pm
T-III tape recorded conversation

GX519-

(R24:190)

CN: 112 PN: 7512 Date: 3/20/99
Time: 8:52pm
T-III tape recorded conversation

GX520 -

(R24:190)

CN: 113 PN: 7512 Date: 3/20/99
Time: 9:02pm
T-III tape recorded conversation

GX521 -

(R24:190)

CN: 114 PN: 7512 Date: 3/20/99
Time: 9:03pm
T-III tape recorded conversation

GX522-

(R24:190-91)

CN: 115 PN: 7512 Date: 3/20/99
Time: 9:04pm
T-III tape recorded conversation

GX523-

(R24:191)

CN: 44 PN: 3020 Date: 3/20/99
Time: 10:42pm
T-III tape recorded conversation

GX524-

CN: 116 PN: 7512 Date: 3/20/99
Time: 10:52pm
T-III tape recorded conversation

(R25:133) Stipulated that phone was
activated

GX525-

CN: 117 PN: 7512 Date: 3/20/99
Time: 10:53pm
T-III tape recorded conversation

(R25:133-34)

GX526-

CN: 45 PN: 3020 Date: 3/20/99
Time: 11:39pm
T-III tape recorded conversation

(R25:133-34)

GX527-

CN: 46 PN: 3020 Date: 3/20/99
Time: 11:40pm
T-III tape recorded conversation

(R24:191)

GX528 -

CN: 119 PN: 7512 Date: 3/21/99
Time: 1:49am
T-III tape recorded conversation

(R25:134-35)

GX529-

CN: 124 PN: 7512 Date: 3/21/99
Time: 12:04pm
T-III tape recorded conversation

(R25:135-36)

GX530-

CN: 373 PN: 2929 Date: 3/21/99
Time: 5:01pm
T-III tape recorded conversation

(R25:135)

GX531-

CN: 133 PN: 7512 Date: 3/21/99
Time: 7:48pm
T-III tape recorded conversation

(R21:75)

GX533- (R25:153)
CN: 469 PN: 2929 Date: 3/22/99
Time: 12:56pm
T-III tape recorded conversation

GX534- (R25:153)
CN: 474 PN: 2929 Date: 3/22/99
Time: 1:44pm
T-III tape recorded conversation

GX535- (R19:141)
CN: 496 PN: 2929 Date: 3/22/99
Time: 4:02pm
T-III tape recorded conversation

GX536- (R19:141-42)
CN: 532 PN: 2929 Date: 3/22/99
Time: 7:48pm
T-III tape recorded conversation

GX537- (R25:153)
CN: 179 PN: 7512 Date: 3/23/99
Time: 10:51am
T-III tape recorded conversation

GX538- (R25:153-54)
CN: 187 PN: 7512 Date: 3/23/99
Time: 12:01pm
T-III tape recorded conversation

GX539- (R25:153-54)
CN: 196 PN: 7512 Date: 3/23/99
Time: 2:31pm
T-III tape recorded conversation

GX540- (R25:153-54)
CN: 626 PN: 2929 Date: 3/23/99
Time: 10:59pm
T-III tape recorded conversation

GX541- (R25:157)

CN: 630 PN: 2929 Date: 3/24/99
Time: 1:07am
T-III tape recorded conversation

GX542- (R19:142)

CN: 218 PN: 7512 Date: 3/24/99
Time: 7:42pm
T-III tape recorded conversation

GX543- (R25:157)

CN: 229 PN: 7512 Date: 3/25/99
Time: 12:42pm
T-III tape recorded conversation

GX544- (R21:74-76)

CN: 174 PN: 3020 Date: 3/25/99
Time: 1:38pm
T-III tape recorded conversation

GX545- (R25:157)

CN: 817 PN: 2929 Date: 3/25/99
Time: 5:40pm
T-III tape recorded conversation

GX546- (R25:157-58)

CN: 256 PN: 7512 Date: 3/26/99
Time: 1:27pm
T-III tape recorded conversation

GX547- (R25:158)

CN: 958 PN: 2929 Date: 3/27/99
Time: 12:34am
T-III tape recorded conversation

GX548- (R25:158)

CN: 275 PN: 7512 Date: 3/27/99
Time: 2:09am
T-III tape recorded conversation

GX549- (R25:158)

CN: 200 PN: 3020 Date: 3/27/99

Time: 11:42am

T-III tape recorded conversation

GX550- (R25:159)

CN: 201 PN: 3020 Date: 3/27/99

Time: 12:24pm

T-III tape recorded conversation

GX551- (R25:159)

CN: 280 PN: 7512 Date: 3/27/99

Time: 3:42pm

T-III tape recorded conversation

GX552- (R25:160)

CN: 287 PN: 7512 Date: 3/27/99

Time: 5:14pm

T-III tape recorded conversation

GX553- (R25:160)

CN: 288 PN: 7512 Date: 3/27/99

Time: 5:50pm

T-III tape recorded conversation

GX554- (R25:161)

CN: 291 PN: 7512 Date: 3/27/99

Time: 6:51pm

T-III tape recorded conversation

GX555- (R25:161)

CN: 296 PN: 7512 Date: 3/27/99

Time: 7:45pm

T-III tape recorded conversation

GX557- (R25:162)

CN: 1027 PN: 2929 Date: 3/27/99

Time: 8:53pm

T-III tape recorded conversation

GX558- (R25:162-63)
CN: 1082 PN: 2929 Date: 3/28/99
Time: 11:46pm
T-III tape recorded conversation

GX559- (R27:218-19)
CN: 1086 PN: 2929 Date: 3/29/99
Time: 2:22pm
T-III tape recorded conversation

GX560B- Redacted Tape (R27:218-19)
CN: 241 PN:3020 Date: 3/29/99
Time: 11:13am T-III tape recorded conversation

GX566- (R21:76)
CN: 59 PN: 7513 Date: 3/31/99
Time: 1:13pm
T-III tape recorded conversation

GX567- (R27:219)
CN: 331 PN: 3020 Date: 4/1/99
Time: 9:24pm
T-III tape recorded conversation

GX571- (R21:76)- played without a witness
CN: 104 PN: 7513 Date: 4/1/99 (R22:128-30)- played during Horowitz
Time: 11:57am
T-III tape recorded conversation

GX574- (R21:76)
CN: 106 PN: 7513 Date: 4/1/99
Time: 1:41pm
T-III tape recorded conversation

GX575- (R21:77)
CN: 108 PN: 7513 Date: 4/1/99
Time: 1:55pm
T-III tape recorded conversation

GX578- (R27:220)

CN: 120 PN: 7513 Date: 4/1/99
Time: 5:23pm
T-III tape recorded conversation

GX579- (R27:220)

CN: 142 PN: 7513 Date: 4/2/99
Time: 4:47pm

GX582- (R27:220-21)

CN: 384 PN: 7512 Date: 4/3/99
Time: 5:55pm
T-III tape recorded conversation

GX583- (R19:142-43)

CN: 520 PN: 7512 Date: 4/13/99
Time: 11:32am
T-III tape recorded conversation

GX584- (R19:143)

CN: 2744 PN: 2929 Date: 4/20/99
Time: 11:45pm
T-III tape recorded conversation

GX588- (R20:108)- played during Ruggiero

CN: 688 PN: 7512 Date: 4/21/99 (R21:77)- played without witness

Time: 10:27pm
T-III tape recorded conversation

GX592- (R19:144)

CN: 2887 PN: 2929 Date: 4/22/99
Time: 6:59pm
T-III tape recorded conversation

GX596- (R28:152)

CN: 769 PN: 7512 Date: 4/25/99
Time: 8:49pm
T-III tape recorded conversation

GX597- (R28:152-53)
CN: 3306 PN: 2929 Date: 4/27/99
Time: 1:12pm
T-III tape recorded conversation

GX599- (R28:153)
CN: 1087 PN: 3020 Date: 4/27/99
Time: 1:15pm
T-III tape recorded conversation

GX603- (R19:144-45)
CN: 3394 PN: 2929 Date: 4/28/99
Time: 12:48am
T-III tape recorded conversation

GX605- (R19:145)
CN: 3447 PN: 2929 Date: 4/28/99 -
Time: 8:37pm
Time 3:44 pm T-III tape recorded
conversation

GX606- (R21:77)
CN: 912 PN: 7512 Date: 4/29/99
Time: 10:00pm
T-III tape recorded conversation

GX608- (R19:145-46)
CN: 935 PN: 7512 Date: 4/30/99
Time: 4:26pm
T-III tape recorded conversation

GX609-
CN: 3621 PN: 2929 Date: 4/30/99 (R19:146)
Time: 10:13pm

GX610- (R28:153-54)
CN: 950 PN: 7512 Date: 5/1/99
Time: 12:27pm
T-III tape recorded conversation

GX611- (R28:154)
CN: 3783 PN: 2929 Date: 5/2/99
Time: 9:50pm
T-III tape recorded conversation

GX612- (R19:146-47)
CN: 3786 PN: 2929 Date: 5/2/99
Time: 9:56pm
T-III tape recorded conversation

GX613- (R28:155)
CN: 3866 PN: 2929 Date: 5/3/99 (R29:26)
Time: 10:11pm
T-III tape recorded conversation

GX614- (R21:78)
CN: 1374 PN: 3020 Date: 5/5/99 (R19:147)
Time: 10:40am
T-III tape recorded conversation

GX615- (R21:78)
CN: 3935 PN: 2929 Date: 5/5/99
Time: 11:00am
T-III tape recorded conversation

GX616- (R19:147)
CN: 4104 PN: 2929 Date: 5/7/99
Time: 12:32am
T-III tape recorded conversation

GX618- (R19:148)
CN: 4303 PN: 2929 Date: 5/9/99
Time: 6:42pm
T-III tape recorded conversation

GX623- (R28:155)
CN: 1586 PN: 3020 Date: 5/15/99
Time: 10:48am
T-III tape recorded conversation

GX626- (R19:148)
CN: 4968 PN: 2929 Date: 5/17/99
Time: 10:07pm
T-III tape recorded conversation

GX629- (R21:78)
CN: 1424 PN: 7512 Date: 5/23/99
Time: 8:25pm
T-III tape recorded conversation

GX630- (R28:155-56)
CN: 7610 PN: 2929 Date: 6/15/99
Time: 8:00pm
T-III tape recorded conversation

GX631- (R28:156)
CN: 7618 PN: 2929 Date: 6/15/99
Time: 10:13pm
T-III tape recorded conversation

GX641 - (R28:157)
CN: 161 PN: 7512 Date: 3/22/99
Time: 3:40pm
T-III tape recorded conversation

GX642- (R28:157-58)
CN: 522 PN: 2929 Date: 3/22/99
Time: 6:51pm
T-III tape recorded conversation

GX643- (R29:27)
CN: 185 PN: 7512 Date: 3/23/99
Time: 11:40 am
T-III tape recorded conversation

GX644- (R28:160)
CN: 401 PN: 7512 Date: 4/5/99
Time: 3:27pm
T-III tape recorded conversation

STIPULATED AND AGREED TO this 12th day of September, 2003:

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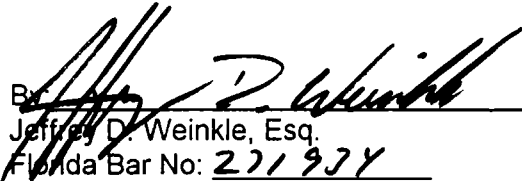
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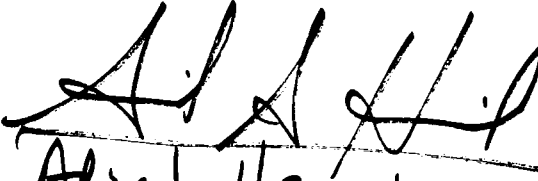
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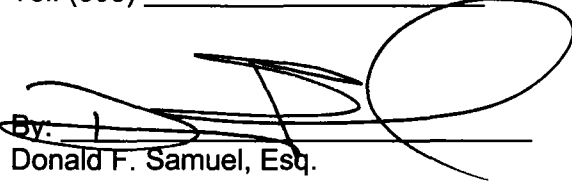
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